

REMARKS

The final Office Action dated October 4, 2004 and the Advisory Action dated December 28, 2004, have been received and carefully noted. The above amendments to the claims, the following remarks and the included Request for Continued Examination, are submitted as a full and complete response thereto. Applicants respectfully note that no new matter has been entered through the above amendments. Claims 1, 19, 20, and 23 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Support for the changes to claims 1, 19, 20, and 23 may be found, for instance, in the present application at page 5, lines 5-14.

Claims 1-24 are pending in the above-cited application and are respectfully submitted for consideration.

REJECTION UNDER 35 U.S.C. § 103:

Claims 1-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,381,316 to Joyce et al. ("Joyce") and U.S. Patent No. 6,266,401 to Marchbanks et al. ("Marchbanks"). The Office Action and Advisory Action took the position that Joyce and Marchbanks disclose all the recitations of claims 1-24. The rejection is traversed and reconsideration is requested.

Independent 1, upon which claims 2-18 and 21-22 depend, recites a method for controlling service provision for customer terminals, used by customers for receiving services, in a telecommunications network including at least one server for offering services to the customers and control means for controlling the provision of services to customers. The method includes the steps of continuously providing a service by

transmitting information to the customer terminal and receiving information about service-specific payments in the control means from the customer terminal during delivery of the service. The method also includes the steps of informing the control means of the current price of the service and maintaining at least one control parameter whose value is dependent on at least accumulated charges for the service and accumulated sum of service-specific payments. The method further includes the steps of comparing the value of at least one of said at least one control parameter to a first threshold and stopping the continuous provision of the service when the value of the control parameter has reached the first threshold.

Claim 19 recites a method for controlling service provision for customer terminals, used by customers for receiving services, in a telecommunications network including at least one server for offering services to the customers, and control means for controlling the provision of services to customers. The method includes the steps of continuously providing a service by transmitting a plurality of information flows to the customer terminal and receiving information about information-flow-specific payments in the control means from the customer terminal during delivery of the service. The method also includes the steps of informing the control means of the current price of the information flows and maintaining for each information flow at least one control parameter whose value is dependent on at least accumulated charges for the information flow and accumulated sum of information-flow-specific payments. The method further includes the steps of comparing, for each information flow, the value of at least one of

said at least one control parameter to an information-flow-specific threshold and stopping said plurality of information flows if the control parameter value of at least one of the information flows reaches the threshold corresponding to it.

Claim 20 recites a method for controlling service provision for customer terminals, used by customers for receiving services, in a telecommunications network including at least one server for offering services to the customers and control means for controlling the provision of services to customers. The method includes the steps of continuously providing a service by transmitting a plurality of information flows to the customer terminal and receiving information about information-flow-specific payments in the control means from the customer terminal during delivery of the service. The method also includes the steps of informing the control means of the current price of the information flows and maintaining for each information flow at least one control parameter whose value is dependent on at least accumulated charges for the information flow and accumulated sum of information-flow-specific payments. The method further includes the steps of comparing, for each information flow, the value of at least one of said at least one control parameter to an information-flow-specific threshold and stopping only a single information flow when the control parameter value of said information flow reaches the corresponding threshold.

Claim 23 recites a system for controlling service provision to customer terminals, used by customers for receiving services, in a telecommunications network including at least one server for offering services to the customer, and control means for controlling

the provision of the service to a customer. The system includes a first means for continuously providing services by transmitting information to customer terminals and a second means for receiving information about service-specific payments from customer terminals during delivery of services in the control means. The system also includes a third means for informing the control means of the current price of the service. The control means includes first control means for maintaining for the service at least one control parameter whose value is dependent on at least accumulated charges for the service and accumulated sum of service-specific payments, comparison means for comparing the value of a control parameter to a first predetermined threshold value and second control means for stopping the continuous provision of the service when the value of the control parameter has reached the first threshold.

As will be discussed below, the cited prior art references of Joyce and Marchbanks fail to disclose or suggest the elements of any of the presently pending claims.

The Office Action correctly recognized that Joyce fails to teach or suggest, “maintaining at least one control parameter whose value is dependent on at least accumulated charges for the service and accumulated sum of service-specific payments,” as recited in independent claim 1.

Further, in the Advisory Action, it is stated that service can read on “making multiple calls, after 1 call, receive the balance and then make another call.” However, Applicants respectfully point out that even if the service is defined as “multiple calls” as suggested in the Advisory Action, a person of ordinary skill in the art would take on the

position that the balance received after each call is done at the end of the call, not during the call. The Advisory Action acknowledges that “after 1 call,” the balance is received for that 1 call.

In addition, Joyce provides “advanced communication services” such as multiple calls. See abstract and column 16, lines 33-48. Joyce proceeds to describe that at the end of a call, the Switch Manager reestablishes connection with the customer 1. Emphasis added. Joyce is clear that “services” refers to “multiple calls.” Joyce is also clear that at the end of each call or “a call,” the customer is advised of the balance. Thus, Applicants respectfully indicate that it is not reasonable, in view of the description provided in Joyce to interpret “multiple calls” as the “service” in the claims of the presently claim invention and to interpret that information about service-specific payments is provided at the end of each call of multiple calls is actually done during the delivery of

Independent claim 1 recites, in part, “receiving information about service-specific payments in the control means from the customer terminal during delivery of the service.” The recitation “the service” is referring to a specific service having antecedent support in “providing a service.” To further clarify the recitations of independent claim 1, this claim has been amended to further recite, “continuously providing a service.” Therefore, “multiple calls” cannot be interpreted as a continuous provision of a service because Joyce is specific to describe that the connection has to be re-established with the customer 1 to then advise the customer of the balance remaining in the account. See column 16, lines 36-38. There are multiple breaks between the calls in the multiple calls

of Joyce and the balance information is not provided during the continuous provision of each of the calls, but at the end of each call.

Joyce does not teach or suggest that service-specific payments information is provided during the delivery of the service. Rather, at the end of the call, the Switch Manager advises the customer of the balance remaining in the account and presents the customer with the opportunity to make further calls. After the customer terminates a call, the Switch Manager communicates the remaining balance to the Card Manager and the Card Manager updates the account information. See column 16, lines 26-48.

Further, nothing in Joyce teaches or suggests that the billing module or the rating engine receives information about service-specific payments from a customer terminal. Although Joyce generally provides that the Billing Module can provide real-time debit or charge of a customer's associated account after adding a service tax related to the transaction, Joyce is silent as to teaching or suggesting during the delivery of the service, information about service-specific payments from the customer terminal may be received.

In addition, Joyce generally describes receiving information about payments to an account (for instance, increasing the balance of the account), where the payments in the account can be used for paying for any service/call by decrementing the account balance typically at the end of the service/call. However, Joyce et al. does not teach or suggest receiving information about a service-specific payment during the delivery of the service.

Furthermore, as previously indicated, the Office Action recognized that Joyce fails to teach or suggest, “maintaining at least one control parameter whose value is dependent on at least accumulated charges for the service and accumulated sum of service-specific payments,” as recited in independent claim 1. Thus, since Joyce does not teach the recitations of the control parameter, one can only naturally conclude that Joyce also fails to teach or suggest, “comparing the value of at least one of said at least one control parameter to a first threshold, and stopping the provision of the service when the value of the control parameter has reached the first threshold,” as recited in independent claim 1.

The control parameter of the present invention is used to control delivery of a service by comparing the control parameter to a threshold and stopping the service when the control parameter reaches the threshold. In contrast, Joyce provides the ability to inform the customer of his/her maximum allowable calling time, connect the call, and to inform a customer when a minimum value threshold approaches. The information in Joyce provided to the customer is not dependent on at least accumulated charges for the service and accumulated sum of service-specific payments as in the present application.

Applicants respectfully indicate that the arguments presented in the Response filed on November 29, 2004, supporting the patentability of independent claims 1, 19, 20, and 23 in view of Marchbanks are not addressed in the Advisory Action.

Marchbanks generally describes an itemization report formatter module 310 provides for the creation of an itemization of charges report. See column 8, lines 49-60. FIGS. 16E-16G illustrate an itemized listing of charges associated with a number of

paging units presented on a single composite customer invoice. The charge text description lines in the voucher view for the date and the charge description fields are moved to the invoice report record by the itemization report formatter module 310. However, nothing in Marchbanks provides for a control parameter being dependent on “accumulated charges for the service **and** accumulated sum of service-specific payments,” as recited in independent claim 1. Marchbanks limits its description to providing an itemization report.

Specifically, although Marchbanks provides a system where an invoice is generated itemizing charges for services provided, Marchbanks is silent as to teaching or suggesting that the system is able to maintain a control parameter “whose value is dependent on at least accumulated charges for the service and accumulated sum of service-specific payments,” as recited in independent claim 1. Marchbanks does not illustrate in FIGS. 16E-16G or anywhere else in the reference that the charges are accumulated for the services and a sum of service-specific payments are accumulated to then maintain a control parameter.

Marchbanks does not teach or suggest that a control parameter may be compared to a first threshold and used to stop the provision of a service “when the value of the control parameter has reached the first threshold,” as recited in independent claim 1. Applicants respectfully assert that listing different services or providing an itemization report alone does not teach or suggest, “at least one control parameter whose value is dependent on ... accumulated sum of service-specific payments,” as recited in

independent claim 1. Further, nothing in Marchbanks teaches or suggests that such itemization report is compared to a first threshold and that the provisions of services are stopped when the value of the itemization report has reached the first threshold.

A CPE view is also included in Marchbanks as part of the itemization report formatter module 310 to enable the module 310 to process customer premise equipment information. See column 8, lines 61-67. In particular, the itemization report formatter module 310 differentiates between non-pager related CPE equipment records and company pager equipment records. This level of differentiation is required in order to include the appropriate text description on the customer invoice report.

Once again, Marchbanks is concerned as to generating an invoice report, but fails to teach or suggest, “maintaining at least one control parameter whose value is dependent on at least accumulated charges for the service and accumulated sum of service-specific payments,” as recited in independent claim 1.

Thus, Marchbanks generally describes how to process usage information off-line, after the service has been delivered, simply for formatting invoices. The descriptions provided in Marchbanks cannot be considered relevant to control delivery of a service. More specifically, Marchbanks cannot be considered to provide any teaching or suggestion of a control parameter for controlling delivery of a service.

In addition, similarly to Joyce, Marchbanks is silent as to teaching or suggesting “continuously providing a service...receiving information about service-specific payments in the control means from the customer terminal during delivery of the

service,” emphasis added, as recited in independent claim 1. Marchbanks limits its description to providing an integration of a billing system into a single customer invoice allowing additional billing requirements when expanding the scope of the telephony services. See column 1, lines 43-62.

In view of the foregoing, Marchbanks does not correct for the deficiencies of Joyce. A combination of Joyce and Marchbanks would fail to teach or suggest, “maintaining at least one control parameter whose value is dependent on at least accumulated charges for the service and accumulated sum of service-specific payments, comparing the value of at least one of said at least one control parameter to a first threshold, and stopping the continuous provision of the service when the value of the control parameter has reached the first threshold,” as recited in independent claim 1.

Regarding a motivation to combine the references, the Advisory Action does not provide evidence in either Joyce or Marchbanks to support combining the references “to provide efficient, enhanced, and simplified billing systems to customers.” See top of page 4 of the Office Action. The Advisory Action fails to show where in Joyce is there a need to implement the invoice reports of Marchbanks to then obtain efficient, enhanced, and simplified communication system to customers. It appears that the claims have been improperly rejected using hindsight. Applicants respectfully assert that using hindsight to combine the cited references is improper. “To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination. It is to be noted that simplicity and hindsight

are not proper criteria for resolving the issue of obviousness.” Ex Parte Clapp, 227 USPQ 972, 973 (B.P.A.I. 1985).

Thus, the record must support motivation, i.e., there must be something in the record pointing out where the recited motivation can be found. In addition, there must be some discussion on how that purported motivation or suggestion is even relevant to the reference being modified. Accordingly, it is respectfully requested that evidence from the references cited be provided supporting the motivation to combine such references.

Because independent claims 19, 20, and 23 include similar claim features as those recited in independent claim 1, although of different scope, and because the Office Action refers to similar portions of the cited references to reject independent claims 19, 20, and 23, the arguments presented above supporting the patentability of independent claim 1 are incorporated herein to support the patentability of independent claims 19, 20, and 23.

In view of the foregoing, it is respectfully requested that independent claims 1, 19, 20, and 23 and related dependent claims be allowed.

CONCLUSION:

In view of the above, applicant respectfully submits that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited references. Applicants further submit that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicants therefore

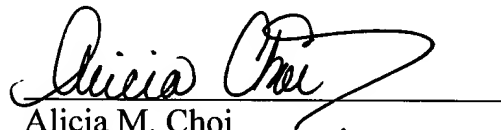
respectfully request that each of claims 1-24 be found allowable and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,


Alicia M. Choi
Registration No. 46,621

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

AMC:jf/scc

Enclosures: Information Disclosure Statement
Petition for Extension of Time (1 month)